IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

WP(C).No. 1680 of 2007(Y)

PETITIONER:

SRI.RAJAN PANICKER, AGED 48 YEARS,
S/O. PARAMESWARAN, BHUVANESWARY MADOM,
PUNNATHALACHERRY, KOLLAM WEST VILLAGE,
KOLLAM TALUK.

BY ADV. SRI.P.GOPAL

RESPONDENTS:

1. THE KOLLAM CORPORATION
REPRESENTED BY ITS SECRETARY.

2. THE TOWN PLANNING OFFICER,
KOLLAM CORPORATION.

BY ADV. SRI. M.K. CHANDRAMOHAN DAS, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 1680 OF 2007

Dated this the 30th day of March, 2007

JUDGMENT

Sri.M.K.Chandramohan Das, Standing Counsel for the Corporation submits that after all, Ext.P2 is only a provisional order and the same will not be finalised before the Corporation considers Ext.P3 objections filed by the petitioner. But Mr.P.Gopal, counsel for the petitioner submits that even during the pendency of this Writ Petition, a building inspector attached to the Corporation on the basis of whose report Ext.P2 was issued, came over to the building and threatened the petitioner that the building will be demolished immediately.

2. Considering the submissions addressed before me, the Writ Petition will stand disposed of issuing the following directions:

The Corporation will furnish a copy of the building inspector's report on the basis of which Ext.P2 provisional order was issued to the petitioner. Immediately thereafter, the Corporation will take up Ext.P3 objections and additional objections, if any, which may be submitted by the petitioner to Ext.P2, hear the petitioner on Ext.P3-objection and the additional objections and take a decision as to whether Ext.P2 should be finalised. If the Corporation decides to pass final orders directing

demolition, those orders shall be communicated to the petitioner and the demolition shall be effected only after expiry of 7 days of communication of the order.

PIUS C. KURIAKOSE, JUDGE

btt